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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,251	11/08/2001	Lee Delson Wilhelm	13929.1	5614

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EXAMINER

HALPERN, MARK

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-8

**Advisory Action**

Application N .

10/010,251

Applicant(s)

WILHELM, LEE DELSON

Examiner

Mark Halpern

Art Unit

1731

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

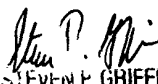
Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 8-13, 21 and 22.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: Applicant arguments are the same arguments that were raised in the previous Amendment, Paper No. 5, to which examiner replied in Office Action of 10/16/2002, Paper No. 6. Applicant alleges that the cited prior art, Schulz, does not recite that the embossing roll produces invisible depressions in the tissues. Examiner responds that Schultz discloses embossing to a depth of from 0.076 mm to 3.04 mm, wherein most embossing is done to a deeper depth than the minimum depth. It would have been obvious, to one skilled in the art at the time the invention was made, that the some of the Schulz depressions, especially the depressions of about 0.076 mm depth, be invisible to the unaided human eye. Applicant alleges that the Schulz range of engraving depth is convenient rather than functional. Examiner responds to indicate that the motivation of Schultz, is of no importance, in reference to the range of engraving depth as long as Schulz discloses the engraving depth. Applicant alleges that the embossing of Schulz covers about 10% of the tissue surface, vs. about 100% area claimed for the present invention. Examiner responds that the 100% area coverage feature is not claimed. Applicant alleges that the cited references, Schulz and Rheingold are not combinable because of Schulz deficiencies as discussed above, and because Rheingold application is to metal. Examiner responds that the process of etching or stippling does not depend on the surface on which the above functions are performed. The examiner maintains that the combination of the cited references is proper. Applicant alleges that the claim 22 rejection under 35 U.S.C 112, first paragraph, is not proper in that the limitation is in the Specification description as a whole to teach the claimed concept. Applicant refers to columns and lines as references. Examiner maintains that the rejection issued per item 3 of Office Action of 10/16/2002, Paper No. 6 is proper. Also, there are no columns and lines, there are pages and lines in the present Specification. Applicant alleges that the invention involves a minority of bonds broken in the outer 0.02 mm of the sheet thickness and not the center 0.02 as in the position taken by the examiner. Examiner responds that the argument presented is not to what is claimed. The amended claim 8 recites "...that a percentage of fiber-to-fiber bonds broken in a center 0.02 mm thickness of a paper sheet..."

  
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